

REMARKS

This Response is made to the final Office Action dated May 22, 2006. Claims 1-48 are pending in this application. Of these claims, claims 6, 9-14, 21-28, 30 and 36-48 have been withdrawn in view of a previous restriction and election of species requirement. Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

The Examiner has rejected claims 1- 5, 7, 29, 31 and 33 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,581,019 to Curelaru (the "Curelaru patent"). Again, Applicants strongly disagree with the Examiner's position that the Curelaru patent discloses a resealable longitudinal joint. The Curelaru patent clearly states that the edges of the slit 12 are pressed against each other. Absent the use of an adhesive or heat bonding, which is not disclosed in the Curelaru patent, it is not known how these edges could be sealed to each other. At best, the edges of the slit 12 in the Curelaru device simply abut against each other. However, a mere abutting relationship of these edges is not a resealable joint in accordance with the present invention. The term "resealable" as used and described in Applicants' drawings and specification requires more than just a simple abutting relationship between edges of a slit. Applicants again direct the Examiner to Figures 3a-3d of the present application which depict just a few examples of how the sides or edges of the joint can be interconnected to create a "resealable" joint. Clearly, the Curelaru patent fails to disclose a "resealable joint" as that term is used in the specification and drawings. For at least the reasons addressed above, the Curelaru patent fails to anticipate the pending claims.

Additionally, Applicants respectfully disagree with the interpretation that the Examiner has taken with respect to the Curelaru patent with respect to dependent claim 2. Claim 2 defines the joint as being formed by a first side and a second side(i.e., the longitudinal edges of the joint). The first side includes a protrusion with a neck and head and the second side includes an opening having a specific configuration. The interpretation taken by the Examiner simply ignores the fact that first and second sides create a mating arrangement which forms the resealable longitudinal joint. Rather, the Examiner has relied on figure 6 of the Curelaru patent to apply the claim language to the physical structure created by the disclosed introducer-cannula 3. Figure 6 shows a cross section view along the length of this introducer-cannula 3. As such, this view would only show one side or edge of the cannula which forms the slit 12. The other

side of the slit is simply not shown in figure 6. Accordingly, the failure of figure 6 in providing a view of the other side of the cannula clearly shows that the Examiner could not properly construe the elements recited in claim 2 by using figure 6 of the Curelaru patent. Applicants submit that claim 2 is patentable over the Curelaru patent since the Curelaru patent fails to disclose a mating arrangement between the sides or edges forming the slit 12.

The Examiner has rejected claims 29, 31 and 33 as being anticipated by the Curelaru patent as well. Applicants strongly disagree with the Examiner's position. Claim 29 includes, inter alia, the recitation of a self-resealable longitudinal joint and a guide wire. Applicants submit that the structure in the Curelaru patent fails to disclose a joint which is self-resealable. Rather, the slit formed in the Curelaru device must use an additional component, such as adhesive, heat and the like, to be bonded together. Additionally, the Curelaru patent fails to disclose the use of a guide wire. It is noted that the Examiner has failed to properly identify the guide wire allegedly disclosed in the Curelaru patent. The Examiner merely makes vague reference to a guide wire. The term "guide wire" does not appear in the specification or drawings of the Curelaru patent nor does any element which could be reasonably construed to be a guide wire. For at least these reasons, the Curelaru patent fails to anticipate the presently claimed invention recited in claims 29, 31 and 32.

Claims 8 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Curelaru patent in view of U. S. Patent No. 5,868,704 to Campbell et al. (the "Campbell patent"). These dependent claims depend from independent claims 1 and 29. For at least the reason addressed above with respect to claims 1 and 29, the Curelaru patent fails to disclose the basic structure recited in the claims. The Campbell patent fails to disclose such a joint as well. Allowance of these dependent claims is respectfully requested.

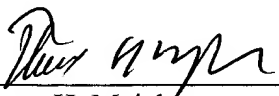
Applicants believe that independent claims 1 and 29 are generic and allowable over the cited art. Accordingly, Applicants respectfully request the Examiner to reconsider previously withdrawn claims 6 and 9-14 which depend either directly or indirectly from claim 1, along with dependent claim 30 which depends from claim 29.

In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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